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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,683	07/15/2003	Norihiro Edwin Aoki	AOL0080	9636
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GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER	
			CHANKONG, DOHIM	
			ART UNIT	PAPER NUMBER
			2152	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/620,683

Applicant(s)

AOKI, NORIHIRO EDWIN

Examiner

DOHM CHANKONG

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,11-13,16,17,19,20 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,11-13,16,17,19,20 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- 1> This action is in response to Applicant's request for continued examination. Claims 1, 5-8, and 11-13 are amended. Claims 4 and 18 are canceled. Claims 1, 5-8, 11-13, 16, 17, 19, 20, and 23-25 are presented for further examination.
- 2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

- 3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1.14.2008 has been entered.

Response to Arguments

- 4> Applicant's arguments with respect to claims 1, 5-8, 11-13, 16, 17, 19, 20, and 23-25 have been considered but are moot in view of the new ground(s) of rejection which are necessitated by Applicant's amendment. The new rejection relies on a combination of the Leber and Zircher references. It is noted that, with respect to claims 6 and 16 in the previous Office action, Applicant argues that a combination of the Lagarde and Zircher is improper because there is no "rational underpinning" for such a combination. The rejection now relies on combining Leber and Zircher so Applicant's arguments that one would not have been

motivated to combine Zircher with Lagarde are now moot. However, addressing Applicant's concerns with respect to new rejection, Applicant's arguments would not be persuasive if applied to Leber. Applicant argues that Lagarde would have not need for the sophistication of Zircher's bots because Lagarde lacked the proper infrastructure to support their enhanced features such as the collaboration space, scheduling meetings, or calendar functions. This is not the case with Leber.

It should first be noted that Zircher's agents and systems are not as advanced a leap as Applicant asserts. Zircher discloses the collaboration space is merely another name for a chat or gaming application that allows users to communicate with one another [column 5 «lines 2-9»]. Zircher's enhancements to the automated agent relating to the meeting and calendar functions would improve upon Leber's meeting and calendar functions [0094-0105]. See the rejection that follows for further discussion relating to the combination of Leber and Zircher.

Claim Objections

5> Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 16 recites the same limitations as its amended parent claim 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> Claims 1, 5-8, 11, 12, 13, 17-20, and 23-25 are rejected under 35 U.S.C. §103(a) as being anticipated by Leber et al, U.S Patent Publication No. 2003/0182391 ["Leber"] in view of Zircher et al, U.S. Patent No. 7,139,798 ["Zircher"].

7> Leber and Zircher were both cited in the previous Office action, filed 4.9.2007.

8> As to claim 1, Leber discloses a system for manipulating and updating data in a backend system, said apparatus comprising:

a messaging client for exchanging messages over a network with a messaging server to and from other messaging clients and said backend system [Figure 1 «items 100, 110, 119, 130» | 0062-0064]; and

an automated agent which is coupled to between said messaging system and said backend system which is capable of accepting requests and issuing responses, and which obtains and uses data input from said messaging clients to determine said manipulating and updating of data [0064-0069, 0138, 0254].

Leber fails to disclose the automated agent initiating communications with other messaging clients and mediating a discussion related to said input data. However, such a feature was well known in the art at the time of Applicant's invention. Zircher is directed towards a system for establishing a collaboration space involving messaging clients and bots or automated agents [abstract]. Like Leber, Zircher discloses that the automated agents are coupled between the messaging system and is capable of accepting requests and issuing responses to client queries [column 9 «lines 28-41»].

However, Zircher's bots provide additional functionality over Leber's agents. For example, Zircher's bots are capable of initiating communications with other messaging clients [column 10 «lines 2-5» : "Some bots could automatically invite users to shared spaces"] and mediating a discussion related to said input data [column 14 «lines 43-51» where : bots act as managers for the shared space and can modify the space | column 21 «lines 27» to column 22 «line 9» where : a FAQ bot "mediates" a discussion by responding to user queries within the collaboration space]. It would have obvious to one of ordinary skill in the art to have adapted Leber's automated agents to include the additional functionality taught in Zircher. Providing the additional functionality such as the ability to automatically communicate with other clients and manage a collaboration space with multiple clients into Leber would increase the capabilities of Leber's agents including enabling collaboration among users in a shared spaces, scheduling meetings or calendar functions [column 19 «lines 32-46» | column 20 «lines 17-31»].

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9> As to claim 5, Leber discloses the automated agent appearing as a buddy on a buddy list [0267].

10> As to claim 6, Leber discloses said other messaging clients are associated with prospective meeting attendees and said discussion related to a meeting of said attendees [0096-105].

11> As to claim 7, Leber discloses said automated agent is capable of responding with information, confirmation, availability, and a request for additional information [0096-0146].

12> As to claim 8, Leber discloses said messaging client exchanges messages via said network with said messaging server by any of two-way messaging, email, a paging network, and instant messaging systems [Figure 1].

13> As to claim 11, Leber discloses said messaging clients engage in dialogs with said automated agents [0096-0146].

14> As to claim 12, Leber discloses said automated agent performs any of:
proactively sending to said messaging client messages comprising, but not limited to
alerts and reminders [0096-0111];
asking a series of questions to said messaging client to determine intent [0096-0111];
and

determining resource availability [0095-0111].

15> As to claims 13, 16, 17, 19, 20, 23 and 24, as they do not teach or further define over the limitations of claims 1, 5-8, 11, and 12, claims 13, 17, 19, 20, 23 and 24 are rejected for at least the same reasons set forth for claims 1, 5-8, 11, and 12.

16> As to claim 25, Leber discloses a robot agent for receiving Instant Messages from a first user-client and responsively interacting between the first user-client, a calendar server system, and other user-clients to enable each of the user-clients to enter queries and updating data into, and to receive queries and data from, the calendar server system [Figure 3 «items 300, 306, 315» | Figure 5 «items, 520, 530, 522, 526» | 0030-0034].

Leber does not disclose the robot agent initiating messaging communications with other and mediating a discussion related to said data input by the first user. However, as discussed with relation to the rejection of claim 1, such a feature was well known in the art at the time of Applicant's invention as taught by Zircher. See the rejection of claim 1 for rejection rationale and combination motivation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/
Examiner, Art Unit 2152